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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,758	06/13/2000	TIMOTHY L. POWERS	CE03958R	5788

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SCHAUMBURG, IL 60196

EXAMINER
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GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2681

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DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/592,758

Applicant(s)

POWERS ET AL.

Examiner

Erika A. Gary

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on January 20, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9, 11, 13-16, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris, US Patent Number 5,946,373 (hereinafter Harris).

Regarding claim 1, Harris discloses a system for reducing congestion in an Operations and Maintenance Center (OMC), the system comprising a network element that comprises: a filter receiving event notifications from processes within the network element [col. 3: lines 51-53] and providing a plurality of filtered event notifications, wherein each event notification of the plurality of event notifications notifies of a different event [col. 4: lines 9-14; col. 6: lines 5-40, wherein fault alarms for different circuits or trunks are equivalent to "different events"]; an event counter module coupled to the filter for receiving the plurality of filtered event notifications from the filter and counting a quantity of filtered event notifications to produce event count information [ col. 7 lines 60-64; step 244 in Fig. 2D]; and a performance measurement module coupled to the event counter module for receiving the event counter information from the event counter

Art Unit: 2681

module and sending alarms to the OMC [ col. 8 line 35 through col. 9 line 5,; step 246 in Fig. 2D].

Regarding claim 2, Harris discloses the filter is operable to select the filtered event notifications to be sent to the event counter module [col. 7: lines 60-64]

Regarding claim 3, Harris discloses the selection criteria upon which the filter selects the filtered event notifications are established by the OMC [col. 6: lines 16-20].

Regarding claim 5, Harris discloses the event counter module establishes threshold crossing criteria and alarm emission criteria for the performance measurement module [col. 8: lines 35-47; col. 10: lines 9-10].

Regarding claim 6, Harris discloses the performance measurement module emits an alarm to the OMC if the event counter information exceeds a threshold [col. 8: lines 55-65].

As to claim 7, Harris discloses a method for reducing the number of event notifications sent to an Operations and Maintenance Center (OMC) (100 in Fig. 1) by a network element (107) serviced by the OMC, the method comprising the steps of: filtering event notifications to provide a plurality of filtered event notifications, wherein each event notification of the plurality of event notifications notifies of a different event (see col. 4 lines 9-14 and col. 6 lines 5-40, wherein fault alarms for different circuits or trunks are equivalent to "different event[s]"); counting the plurality of filtered event notifications to generate event count information from the filtered event notifications (see col. 7 lines 60-64, see step 244 in Fig. 2D); conveying an alarm to the OMC if the

event count information exceeds a threshold (see col. 8 line 35 through col. 9 line 5, see step 246 in Fig. 2D).

As to claim 8, Harris discloses everything as applied to claim 7 above. In addition, Harris discloses that the step of filtering event notifications comprises the steps of: receiving the event notifications (step 203 in Figure 2B); and selecting the event notifications based on selection criteria to provide filtered event notifications (see step 213 in Figure 213, see also col. 6 lines 16-20).

As to claim 9, Harris discloses everything as applied to claim 7 above. In addition, Harris discloses that the step of counting the event notifications comprises the steps of: receiving filtered event notifications (see step 244 in Fig. 2D, which occurs after several filtering steps shown in Fig. 2C and step 241 in Fig. 2D); incrementing an event count based on performance measurement definitions for each of the filtered event notifications (see step 244 in Fig. 2D) establishing event count information specific to each of the filtered event notifications based on event count criteria (see col. 8 lines 47-52, wherein time limits are suggested as event count criteria).

As to claim 11, Harris discloses everything as applied to claim 7 above. In addition, Harris discloses that the OMC (100) establishes criteria for selection of event notifications (see col. 6 lines 16-20, wherein it is disclosed that a system user may define inference engine rules, and col. 3 lines 57-58 discloses that the OMC is the user fault alarm display and control command interface).

Regarding claim 13, Harris discloses wherein a group of event notifications may be selected and counted as one event [col. 9: lines 28-31].

As to claim 14, Harris discloses an apparatus for reducing the number of event notifications sent to an Operations and Maintenance Center (OMC) (100) by a network element (107) serviced by the OMC comprising: means for filtering to provide a plurality of filtered event notifications, wherein each event notification of the plurality of event notifications notifies of a different event (see col. 4 lines 9-14 and col. 6 lines 5-40, wherein fault alarms for different circuits or trunks are equivalent to "different event[s]"); means for counting to generate event count information from the plurality of filtered event notifications (see col. 7 lines 60-64, see step 244 in Fig. 2D); means for conveying alarms to the OMC based on the event count information (see col. 3 lines 57-58 and see col. 8 line 35 through col. 9 line 5, see also step 246 in Fig. 2D).

As to claim 15, Harris discloses everything as applied to claim 14 above. In addition, Harris discloses that the filtering means comprises: means for receiving the event notifications (step 203 in Figure 2B); and means for selecting the event notifications based on filtering criteria to provide filtered event notifications (see step 213 in Figure 213, see also col. 6 lines 16-20).

As to claim 16, Harris discloses everything as applied to claim 14 above. In addition, Harris discloses that the counting means comprises: means for receiving filtered event notifications from the filtering means (see step 244 in Fig. 2D, which occurs after several filtering steps shown in Fig. 2C and step 241 in Fig. 2D); means for incrementing an event count based on performance measurement definitions for each of the filtered event notifications (see step 244 in Fig. 2D) means for establishing event count information specific to each of the filtered event notifications

based on event count criteria (see col. 8 lines 47-52, wherein time limits are taught and are equivalent to "event count criteria", as claimed).

As to claim 18, Harris discloses everything as applied to claim 14 above. In addition, Harris discloses that the OMC (100) establishes criteria for the filtering means (see col. 6 lines 16-20, wherein it is disclosed that a system user may define inference engine rules, and col. 3 lines 57-58 discloses that the OMC is the user fault alarm display and control command interface).

Regarding claim 20, Harris discloses wherein a group of event notifications may be selected by the filtering means and considered as one event by the counting means [col. 9: lines 28-31].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Dowden, US Patent Number 5,923,247 (hereinafter Dowden).

Regarding claims 4, 12, and 19, Harris discloses everything as applied to claims 1, 7, and 14. In addition, Harris discloses the creation of event counter objects (inference engine rules such as time limits are considered equivalent to "objects" as

Art Unit: 2681

broadly claimed) having information on thresholding and alarm notification (see col. 6 lines 16-20 and col. 8 lines 35-52 and col. 3 lines 57-58 discloses that the OMC is the user fault alarm display and control command interface).

However, Harris fails to explicitly recite that the OMC requests creation of the event counter objects.

In an analogous art, Dowden et al. discloses an event filtering system having an OMC (20 in Fig. 2) that requests a user to create event counter objects (see col. 5 lines 11-20 and col. 7 lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harris's OMC to request creation of the event counter objects, as taught by Dowden. One of ordinary skill in the art would have been motivated to make this modification because it allows the user have greater control over how many false inferences will be made (see col. 47-52).

5. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris.

As to claims 10 and 17, Harris discloses everything as applied to claims 7 and 14 above. In addition, Harris discloses that the step of emitting an alarm when the event count exceeds a threshold comprises the steps of: comparing the event count information against a threshold (see col. 8 lines 35-47) emitting an alarm to the OMC if the event count information exceeds the threshold (see col. 8 lines 40-44 wherein an



Art Unit: 2681

inferred outage is considered equivalent to an alarm, see also col. 10 lines 9-10, wherein it is disclosed that inferred outages are reported, i.e. emitted).

However, Harris does not specifically disclose wherein the step of emitting an alarm when the event count exceeds a threshold comprises the step of resetting the event count information if an alarm is emitted to the OMC. However, the Examiner takes Official Notice that it is well known in the art to reset counters when the action for which items are being counted for is triggered. It would have been obvious to one of ordinary skill in the art to include this modification in order to accurately keep track of whether the event notifications should trigger the alarm.

### ***Response to Arguments***

6. Applicant's arguments filed January 20, 2004 have been fully considered but they are not persuasive. Applicant argues that Harris does not teach reducing congestion of the trunks and a flow of data to the FMS. However, the Examiner respectfully disagrees as Harris teaches reporting the most significant alarms and suppressing sympathetic alarms [col. 2: lines 30-32, 51-57; col. 9: line 46-55].

Applicant argues that Harris does not teach processing by a network element upstream from an OMC. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., processing by a network element upstream from an OMC) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner contends that Harris teaches filtering alarms [col. 9: lines 9-14; col. 6: lines 5- 40]; counting multiple filtered events to generate an event count [col. 7: lines 60-64]; and conveying an alarm to the OMC if the event count exceeds a threshold [col. 8: line 35 – col. 9: line 5].

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-

Art Unit: 2681

0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, supervisor Marsha Banks-Harold can be reached on 703-305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750 or to the 2600 Customer Service Office at 703-306-0377.

**Any response to this final action should be mailed to:**

**BOX AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9306 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive Arlington, VA., Sixth Floor (Receptionist).

Erika Gary  
Primary Examiner

  
**ERIKA GARY**  
**PATENT EXAMINER**

EAG  
March 29, 2004